

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

Status

As is correctly reflected in the Office Action Summary, Claims 1-13 and 15-20 are pending. Claims 1-13 and 15-20 stand rejected. Acknowledgment has been made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) and all copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau.

Personal Interview

The undersigned thanks Examiner Robinson for the courtesies extended to her and Mr. Norman H. Stepno (Registration No. 22,716) during the personal interview ("Interview") conducted on August 10, 2004. During the Interview, the pending claims, pending rejections, and possible claim amendments were discussed, as is reflected in the Interview Summary, including the Continuation Sheet thereof.

Summary of Claim Amendments

By the foregoing amendments, Applicants have amended Claims 1-3, 9, 12, 15, 16, and 18. Also by the foregoing amendments, Applicants have cancelled Claims 4-8, 10-11, and 13 without prejudice or disclaimer to Applicants' right to file

one or more continuing applications directed to the previously-presented subject matter.

Specifically, Claim 1 has been amended to delete non-elected subject matter. Claims 2, 3, 9, 15, 16, and 18 have been amended to correct minor/linguistic informalities. Claim 12 has been amended to correct minor/linguistic informalities and to delete non-elected subject matter. Support for these amendments may be found throughout the Specification, and at least at the prior claims. Accordingly, no new matter has been added.

Claims 4-8, 10-11, and 13 were cancelled due to their dependence on non-elected, now-canceled subject matter.

Elected Subject Matter

As set forth in the Office Action, Applicants elected the invention of Group I, drawn to Claims 1-13 and 15-20, the compound of formula I in Claim 1 where Ar is pyridyl, R₁ is COOH, R₂ and R₃ come together, with the carbon atoms from which they depend, to form a saturated 6-membered moiety (See *Office Action mailed March 26, 2002, revising Group I*), R₄ is lower alkyl radical, a method of treating, and a composition. *Office Action, Page 2*. As requested by the Examiner, the claims have been narrowed to the elected subject matter.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 4, 5, 10, 11, 12, and 15-19 have been rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite. This rejection is respectfully traversed.

A. Claim 1 – “amino acid residue”

Claim 1 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “amino acid residue.” According to the Examiner “[i]t is not clear what derivatives or residues of the amino acids are being claimed.” *Office Action, Page 2*. This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have deleted from Claim 1 the non-elected subject matter. Applicants believe this amendment has rendered moot the foregoing rejection.

B. Claim 1 – “and the optical and geometric isomers . . .”

Claim 1 was also rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “and the optical and geometric isomers of the said compounds of formula (I).” *Office Action, Page 11*. This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have largely adopted the Examiner’s suggestion and have amended Claim 1 to read “or a salt or isomer thereof.” Applicants believe this amendment has rendered moot the foregoing rejection.

C. Claim 1 – “meanings given below”

Claim 1 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “meanings given below.” *Office Action, Page 12.* The Examiner states “[i]t is not clear if the applicant is referring to the meanings given below in claim 1 or in later claims.” This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have deleted from Claim 1 the phrase “meanings given below.” Applicants believe this amendment has rendered moot the foregoing rejection.

D. Claim 4 – “it being possible for the monohydroxylalkyl . . .”

Claim 4 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “it being possible for the monohydroxylalkyl radical to be protected in the form of acetyl or terbutyldimethylsilyl.” According to the Examiner, this phrase lacks antecedent basis. This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have cancelled Claim 4.

E. Claims 5 and 11

Claims 5 and 11 were stated as reciting particular phrases. See *Office Action, Page 11.* However, no further comments were provided regarding these claims. While Applicants are uncertain as to the nature of the difficulties regarding Claims 5 and 11, any such difficulties have been rendered moot by the foregoing cancellation of Claims 5 and 11.

F. **Claim 10 – “amino acid residues are selected from . . .”**

Claim 10 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “amino acid residues are selected from the group consisting of residues derived from lysine, glycine, and aspartic acid.” According to the Examiner, this phrase is indefinite because “it is unclear what moieties are actually being claimed, since only a residue of the claimed amino acids are being claimed, and it is unclear as to what residues are being claimed.” *Office Action, Pages 2-3.* This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have cancelled Claim 10. Applicants believe this amendment has rendered moot the foregoing rejection.

G. **Claim 12 – “alone or as mixtures”**

Claim 12 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrase “alone or as mixtures.” *Office Action, Page 11.* The Examiner is evidently confused as to whether Applicants are claiming a compound or a mixture. *Id.* This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have adopted the Examiner’s suggestion presented at the Interview and have amended Claim 12 to read “selected from the group consisting of.” Applicants believe this amendment has rendered moot the foregoing rejection.

H. **Claim 15**

Claim 15 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the phrases “or otherwise,” “certain ophthalmological

disorders," "such as," "dermatological complaints," and "preventing . . . cicatrisation or for preventing stretchmarks." *Office Action, Page 12.* These rejections are respectfully traversed.

Not to acquiesce in the Examiner's rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have amended Claim 15. Applicants believe this amendment has rendered moot the foregoing rejection.

I. Claims 16-19 – Pharmaceutically Acceptable Carrier

Claims 16-19 were rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite "because there is not reference to a pharmaceutically acceptable carrier that is inert." *Office Action, Page 12.* This rejection is respectfully traversed.

However, during the Interview, Examiner Robinson "agreed to drop" this rejection. *See Interview Summary, Continuation Sheet.* Accordingly, Applicants believe this rejection has been rendered moot.

J. Claim 18 – Inadvertent Bracket

Claim 18 was rejected under 35 U.S.C. § 112, Second Paragraph, as purportedly indefinite due to the obviously inadvertent inclusion of an extra bracket. *Office Action, Page 12.*

By the foregoing amendments, Applicants have deleted the inadvertent bracket. Applicants believe this has rendered moot the foregoing rejection.

Rejections Under 35 U.S.C. § 112, First Paragraph – Written Description

Claim 1 was rejected under 35 U.S.C. § 112, First Paragraph, as purportedly lacking sufficient description. According to the Examiner, “[t]here is insufficient description of what geometric isomers of the compound of formula I [are] being claimed.” *Office Action, Page 3.* This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have amended Claim 1 to read “or a salt or isomer thereof.” Applicants believe this amendment has rendered moot the foregoing rejection.

Rejections Under 35 U.S.C. § 112, First Paragraph – Enablement

Claims 1-13 and 15-20 were rejected under 35 U.S.C. § 112, First Paragraph, as allegedly not enabled. According to the Examiner, the specification does not provide enablement for the compounds of formula I where R₂ and R₃ taken together with the adjacent aromatic ring forms 5 or 6-membered saturated rings optionally substituted with methyl groups and/or optionally interrupted with an oxygen or sulfur atom, other than tetrahydronaphthalyl. *Office Action, Page 4.* This rejection is respectfully traversed.

Not to acquiesce in the Examiner’s rejection, but solely to facilitate prosecution, Applicants have amended Claim 1 to specify that R₂ and R₃ come together, with the carbon atoms from which they depend, to form a 6-membered saturated ring. Applicants believe this amendment has rendered moot the enablement rejection, and Applicants respectfully request withdrawal thereof.

Claim 15 was also independently rejected under under 35 U.S.C. § 112, First Paragraph, as allegedly not enabled. *Office Action, Pages 4-10.* This rejection is respectfully traversed.

Not to acquiesce in the Examiner's rejection, but solely to expedite prosecution, by the foregoing amendments, Applicants have amended Claim 15 so as to remove the purportedly non-enabled aspects. Applicants believe this amendment has rendered moot the foregoing rejection, and respectfully request withdrawal thereof.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions relating to this response, or the application in general, it would be greatly appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Respectfully submitted,
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 5, 2004

By:


Erin M. Dunston
Registration No. 51,147

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620